

AGENDA MEMO

CITY COUNCIL MEETING DATE: August 19, 2009

DEPARTMENT: Metropolitan Police

ITEM DESCRIPTION: ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 2100 Fremont Street - Unit #110. PROPERTY OWNER: MARY 22 BARTSAS LLC - Ward 3 (Reese)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 and 9.040.020, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was sent to the property owners requesting they correct the nuisance per Title 9.

On June 25, 2009, the following conduct occurred on the premises commonly known as Club 2100, 2100 Fremont Street, Suite 110, Las Vegas, Nevada.

6.35.170 Doing Business without a license for Erotic Dance Establishment

Did advertise, commence, carry on, engage in or continue an erotic dance establishment business on in the area of 2100 Fremont Avenue, Suite 110 without first applying for, obtaining or thereafter maintaining a business license under LVMC 6.35 in violation of LVMC 6.02.060, 6.02.370 and 6.35.170. Evidence of this conduct has been located in a Club Photobucket.com and video on Youtube.com.

6.02.060(C) Violation of Condition Attached to Business License

Did advertise, commence, carry on, engage in or continue a Tavern business, to-wit Club 2100 in a manner which caused, encouraged, allowed, permitted or failed to abate a nuisance to-wit: live entertainment is occurring Thursday, Friday, and Saturday nights in violation of LVMC

6.02.060(C) Condition that live entertainment is allowed only on Sunday nights, ceasing no later than 2:00 am Monday and 6.02.370). Evidence of this activity was located on the 2100 Club's webpage on my space.com.

6.02.320 Failure to Report Change of Information

Did fail to report a change of business activity, change in lender suitability or other information furnished (change of business operation) to the Department of Business Licensing in violation of LVMC 6.02.310, 6.02.320 and 6.02.370.

19.04.010 Land Use Tables – Zoning

Did as tenant and person in control of this “C-2” zoned property, located at 2100 Fremont Street, Suite 110 cause, maintain, or fail to abate the use of such property as an sexually oriented business other than in accordance with the uses permitted in the land use tables provided therein and not allowed in a C-2 zone in violation of LVMC 9.010, 9.04.030, 19.00.070 and 19.04.010.

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6.50.290 License issuance—Privileges.

A license issued pursuant to this Chapter authorizes the person to whom it is issued to exercise only those privileges expressly permitted pursuant to this Chapter for the specific classification of license issued and only on the premises identified in the license.

6.50.510 Employee—Acts prohibited.

(A) It is unlawful for any person, while acting as an employee, waiter, waitress, performer or entertainer in any live act, play, demonstration or exhibition or while serving food or drink to any customer, to do any of the following acts on the premises where alcoholic beverages are licensed to be sold:

(1) Expose his or her genitals, pubic hair, perineum, anal region or pubic hair region; or
(2) Expose or use any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, perineum, anal region or public hair region.

(B) A person shall be deemed to be a waiter, waitress, performer or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation.

(C) It is unlawful for any licensee, or any owner, officer, director, representative, manager, agent, servant or employee of licensee to allow, cause, permit, procure, counsel or assist any person to perform any of the acts set forth in Subsection (A) of this Section on the premises where alcoholic beverages are licensed to be sold.

In addition to the aforementioned Erotic Dance Establishment violations there has also been three (3) or more Calls for Service associated with the property or persons associated with the property in a 30 day period during the time frame of 03/23/09 to 6/19/09. Pedestrian or vehicle stops conducted by LVMPD Officers at or on this property were not figured into the amount of Calls for Service. However, Directed Patrol Activities used by the LVMPD in an effort to curtail the criminal activity were used due to the nuisance activity that was occurring at the property.

The breakdown by month is as follows:

March – 4, April – 4, May – 10, and for half the month of June – 4.

Several of these events involved disturbances, damage to property, stolen vehicles and property, crimes of violence, domestic violence, and use of a firearm. These notices have been sent due to calls for service on property, criminal activity and management and ownership allowing criminal activity to occur.

This property has been and continues to be a constant problem in the downtown area which has lead to an unsafe environment for the customers patronizing the establishment and the citizens of the Downtown Area. Improper management and actions on the part of customers patronizing the establishment has lead to a perpetual state of criminal chaos and can no longer be tolerated. It is requested that the person in control to take any and all steps necessary to abate the the above nuisance immediately. A deadline of July 5, 2009 was given to correct and abate this nuisance and the the following actions were suggested.

- Cease and desist in all activity in violation of the Erotic Dance Establishment Code LVMC 6.35, 6.02.060, 6.02.370, and 6.35.170 inclusive.

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- Cease and desist in all activity of non-conformance to conditions on Tavern License required by LVMC 6.02.060(c) Violation of Condition attached to business license.
- Cease and desist in all activity and comply with LVMC 6.02.320 Failure to report change of information (Change of ownership/key employee)
- Cease and desist in all activity in violation of LVMC 19.04.010 Land Use Tables and comply with all provisions.
- Cease and desist in all activity in violation of LVMC 6.50.510 Employee-Acts Prohibited.
- Written policies and training for security and management personnel.
- Complete and thorough criminal background checks on all employees.
- Require all employees to obtain and maintain a valid unexpired work card as required by LVMC 6.50 Liquor Control and LVMC 6.86.030 Employer Responsibility.
- Maintain an accurate and up to date employee list.
- Competent and proactive Security personnel on the premises to monitor activity in the interior and exterior of the property, handle problems and disturbances and report incidents to LVMPD as necessary.
- Participate in LVMPD lock, take, and hide program.
- Requirement of and proper checking of identification at all entrances to prevent minors from being able to enter the establishment, consume alcohol, or engage in illicit activities.
- Development and active use of a re-entry stamp, wristband, etc to more actively monitor the patrons.
- Placement of or active use of a surveillance system so that activity in the interior and exterior can be monitored by club personnel. All surveillance tapes should be maintained for a period of 30 days.
- More active role of owner and management in administering the property to prevent criminal activity and illicit behavior.

This conduct constitutes a Chronic Nuisance as defined by Las Vegas Municipal Code 9.04.010. Pursuant to Las Vegas Municipal Code 9.040.020, every person who causes or maintains a public nuisance or chronic nuisance, or who wilfully omits or refuses to perform any legal duty relating to the abatement of such a nuisance.

- 1) Shall be guilty of a misdemeanor; or
- 2) Shall be liable civilly to the City and, upon such finding based upon substantial evidence, shall be responsible to pay civil penalties of not more than five hundred dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation.

(B) Each day that a violation of this Section continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.